IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.14629 of 1997
DATED 07-2-2007

BETWEEN
Mandal S.Narayana

..
Petitioner

And

The General Manager,
APSRTC, Mushirabad, Hyderabad and
2 others.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.14629 OF 1997

ORDER:

The petitioner seeks consideration of his case for promotion as Driver Grade-I by reckoning his seniority from the date of his initial appointment i.e. 1.9.1972.

The petitioner was transferred to Narsapuram Depot on 6.5.1974, at his own request. The said transfer order contains a stipulation that since the transfer was at his request, his seniority in the cadre of drivers in the division, to which he was transferred,

would be reckoned only from the date he reported for duty and since the petitioner reported for duty at Narsapuram Depot on 6.5.1974, his seniority was fixed accordingly from the date he reported for duty.

Sri K.Chidambaram, learned counsel for the petitioner would place reliance on an order passed by this Court in W.P.No.1954 of 1985 dated 5.4.1985 wherein the learned Single Judge of this Court observed that since the transfer was admittedly before the circular of the Corporation dated 6.9.1977, the petitioner was entitled to count his seniority in the transferred unit with effect from the date of his first appointment even though the transfer to that unit was at his own request, since, on the relevant date, no distinction was being made between the transfer on administrative grounds and transfer at the request of the employee or transfer as a result of the exercise of option given and that in all these cases, the employee was entitled to count his seniority from the date of his first appointment and not from the date of his transfer to that unit.

Unlike in the aforesaid case, in the present case, when the petitioner requested that he be transferred, the order of transfer contained a stipulation that his seniority in the cadre of drivers in the respective division to which he was transferred would be only from the date of his reporting to duty. If the petitioner was aggrieved by any such stipulation, it was always

open for him either to refuse to go on transfer or to challenge such a stipulation soon thereafter. Since the petitioner joined at Narsapur Depot on 6.5.1974 in accordance with the transfer order containing the stipulation and had kept silent for more than two decades, it is not open for him to now turn around and contend that his seniority has to be reckoned not from the date of his joining duty in the transferred division, but from the date of his initial appointment.

The writ petition is devoid of merits and it is accordingly dismissed. However, in the circumstances of the case, without costs.

RAMESH RANGANATHAN,J

Dt: 7.2.2007
msv.